

United States Government

Department of Energy

memorandum

DATE: January 30, 2001

REPLY TO

ATTN OF: Office of Environmental Policy and Guidance: Boulos: 6-1306

SUBJECT:

Final Clean Air Act Emission Standards for New Sources and Emission Guidelines for Existing Commercial and Industrial Solid Waste Incineration Units.

TO:

Distribution

The purpose of this memorandum is to inform Department of Energy (DOE) program offices and field organizations that the Environmental Protection Agency (EPA) promulgated a final rule on, "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units". On December 1, 2000, EPA issued a final rule that established new source performance standards (NSPS) for new commercial and industrial solid waste incineration (CISWI) units, and emission guidelines (EG) for existing CISWI units in the Federal Register ([65 FR 75338](#)). The standards and guidelines fulfill the requirements of Sections 111 and 129 of the Clean Air Act (CAA), which require EPA to promulgate standards and guidelines for solid waste incineration units that must reflect maximum achievable control technology.

In this rule, EPA is promulgating air emission standards to reduce air pollution from "new" CISWI units (those built after the date of the proposed rule on November 30, 1999), ([64 FR 67092](#)). EPA is also promulgating air emission guidelines for use by States in developing plans to reduce air pollution from "existing" CISWI units (those built on or before the date of the proposed rule).

The final regulations would apply only to the combustion of non-hazardous solid waste at commercial and industrial incinerators. Waste materials such as off-specification products, industrial sludges, plastic and synthetic materials, wood wastes, construction and demolition materials, and other types of commercial and industrial wastes would be covered. We believe that DOE may have a few incinerators (used, for instance, to destroy classified material) to which these regulations may potentially apply. Managers should examine the potential applicability of the rule to their incineration units. This rule would not apply to the combustion of hazardous, municipal, medical, pathological or agricultural wastes, as these other types of waste are, or will be, regulated. Further information on the 15 types of combustion units exempt from these standards and guidelines is provided in 40 CFR §60.2020 of the NSPS and §60.2555 of the EG.

In order to meet the NSPS, new CISWI units would likely need to install wet scrubbers. The standards and guidelines would require monitoring and testing,

operator training and qualification, recordkeeping and reporting, and new unit siting requirements. A waste management plan would also be required.

New units would have to be in compliance with the NSPS by June 1, 2001, or 6 months after start-up, whichever is later. Existing units would have to be in compliance with State emission limits as expeditiously as practicable after approval of a State plan implementing the EG, but no later than 3 years after the State plan is approved by EPA, or December 1, 2005, whichever is earlier.

The final rule is available at <http://www.eh.doe.gov/oepa/rules/65/65fr75338.pdf> on the Office of Environmental Policy and Guidance (EH-41) Home Page. If you have any questions concerning this rule, please contact Mr. Emile Boulos at: emile.boulos@eh.doe.gov; 202-586-1306.

(original was signed by Andrew Wallo)
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Director
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